

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TIMOTHY B. SIMPSON,)
)
Plaintiff,)
)
vs.) Case No. 4:05CV1342 CDP
)
)
AUDIO/DESIGN CONSULTANTS)
and DAVID G. WULF,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff Timothy B. Simpson has filed various motions alleging that the defendants failed to file their answer within the time period specified in my November 1, 2005 Order. After reviewing the record in this case, I find that all of Simpson's motions must fail. On November 1, 2005, I granted defendants' motions for "an additional five days" in which to file their answer. Pursuant to Fed. R. Civ. P. 6(a), the additional five days did not include the day of my Order or the intermediate Saturday and Sunday, November 4 & 5, 2005. Thus, defendants had until November 8, 2005 to file their answer, and the record demonstrates that they complied with this deadline.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Timothy B. Simpson's motion to strike [# 12], second motion for entry of Clerk's default against defendants [# 13], and second motion for default judgment [# 14] are all denied.

IT IS FURTHER ORDERED that plaintiff Timothy B. Simpson's motion for a hearing on the above motions [# 15] is denied as moot.

Dated this 5th day of December, 2005.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE